

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

May 3, 2004

- C043524 THE PEOPLE v. KITCHEN, JR. (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
SCOTLAND, P.J.
We concur: Sims, J.
 Raye, J.
- C046437 GOOSMAN v. COUNTY OF SACRAMENTO**
BY THE COURT:
Appellant's motion to reinstate the appeal is granted. The order of April 23, 2004, dismissing the appeal is vacated, and the appeal is reinstated.
The granting of the motion to reinstate is on the condition that appellant forthwith file the designation of the record on appeal with the Sacramento County trial court clerk by May 13, 2004.
If the designation contains a request for a reporter's transcript, the request must be accompanied by the appropriate costs of the transcript in accordance with rule 4(b) of the California Rules of Court. Failure to comply with the conditions of this order will result in the immediate dismissal of the appeal without further warning.
The trial court clerk is authorized to accept the designation and proceed in accordance with the rules.
BLEASE, Acting P.J.

May 4, 2004

- C044062 THE PEOPLE v. WHITFIELD, JR. (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We concur: Davis, J.
 Nicholson, J.
- C043329 CONNERLY v. STATE PERSONNEL BOARD et al. and THE CALIFORNIA
BUSINESS COUNCIL FOR EQUAL OPPORTUNITY et al.**
(Not for Publication)
The order awarding attorney fees pursuant to section 1021.5 is affirmed.
The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 27(a).)
SCOTLAND, P.J.
We concur: Blease, J.
 Raye, J.

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C044738 **THE PEOPLE v. LAWRENCE** **(Not for Publication)**

The judgment is modified... The trial court is directed to prepare a third amended abstract of judgment accordingly and to forward a certified copy to the Department of Corrections. The judgment is otherwise affirmed.

BUTZ, J.

We concur: Blease, Acting P.J.

 Morrison, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

May 5, 2004, continued

C037445 CITY OF LODI v. RANDTRON
C038921

(Certified for Publication)

The summary judgment is reversed and the permanent injunction requiring Randtron to comply with the final administrative abatement action order is vacated. The award to the City of its costs and attorney's fees is also reversed. Randtron is entitled to its costs on appeal. (Cal. Rules of Court, rule 27 (a) (1).)

BLEASE, Acting P.J.

We concur: Morrison, J.
Robie, J.

C039076 CITY OF LODI et al. v. UNIGARD INSURANCE COMPANY et al.
C040683

(Not for Publication)

The judgment is affirmed. The parties shall each bear their own costs. (Cal. Rules of Court, rules 27 (a) (3).)

BLEASE, Acting P.J.

We concur: Sims, J.
Davis, J.

**C042707 F & H CONSTRUCTION v. ITT HARTFORD INSURANCE COMPANY OF THE
MIDWEST**

(Certified for Publication)

The summary judgment in favor of ITT Hartford Insurance Company of the Midwest is affirmed. As the prevailing party, Hartford is awarded its costs on appeal. (Cal. Rules of Court, rule 27 (a) (1).)

BLEASE, Acting P.J.

We concur: Morrison, J.
Robie, J.

C044403 In re RANDY G.; THE PEOPLE v. RANDY G.

(Not for Publication)

The order denying the minor's petition for modification is reversed. The matter is remanded to the juvenile court with directions to hold a hearing in accordance with section 778 and California Rules of Court, rule 1432, to determine whether the minor's petition for modification of placement should be granted.

SCOTLAND, P.J.

We concur: Raye, J.
Robie, J.

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May 5, 2004, continued

**C045147 In re AARON C.; SISKIYOU COUNTY HUMAN SERVICES v. JANICE K.
(Not for Publication)**

The orders of the juvenile court are affirmed.

BUTZ, J.

We concur: Davis, Acting P.J.
Morrison, J.

May 6, 2004

C044838 THE PEOPLE v. GILBERT (Not for Publication)

The abstract shall be amended to indicate count “1” as the correct count in item 1. The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect these modifications, and to send a certified copy of the amended abstract of judgment to the Department of Corrections.

BUTZ, J.

We concur: Davis, Acting P.J.
Morrison, J.

C045097 THE PEOPLE v. SIMENTAL (Not for Publication)

The order striking the 1995 prior felony conviction is reversed. The cause is remanded to the trial court with directions to grant defendant leave to withdraw his plea of guilty to counts one and two, and his admissions to three prior convictions, including two serious felonies, on appropriate motion filed within 30 days of this opinion becoming final. If defendant elects not to withdraw his plea and admission, the trial court is directed to resentence defendant. The judgment is affirmed in all other respects.

BUTZ, J.

We concur: Blease, Acting P.J.
 Morrison, J.

**C043154 In re B.T. et al.; SISKIYOU COUNTY DEPARTMENT OF HUMAN SERVICES
v. MARILYN T. (Not for Publication)**

The order denying in part appellant's section 388 petition is reversed, and the matter is remanded to the juvenile court with directions to exercise its discretion whether to order an evidentiary hearing on appellant's request to set aside the jurisdictional and dispositional orders.

SCOTLAND, P.J.

We concur: Sims, J.
 Davis, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

May 6, 2004, continued

C045966 BYBEE et al. v. BANK OF NEW YORK
BY THE COURT:
Appellant's petition for rehearing is denied.
SIMS, Acting P.J.

May 7, 2004

C041119 THE PEOPLE v. BROWN III (Not for Publication)
The judgment is affirmed.
NICHOLSON, J.
We concur: Scotland, P.J.
Robie, J.

C046447 GOMEZ v. THE SUPERIOR COURT OF PLACER COUNTY and THE PEOPLE
(Not for Publication)
Petitioner Ralph Gomez seeks a writ of mandate...
...Let a peremptory writ of mandate issue directing respondent superior court to vacate its order discharging the public defender and to enter a new and different order reappointing the public defender upon the execution by defendant of a waiver consistent with the opinions expressed in *People V. Bonin* (1989) 47 Cal.3d 808. This decision shall become final immediately. (Cal. Rules of Court, rule 24 (b) (3).) The stay previously issued is dissolved.
SCOTLAND, P.J.
We concur: Davis, J.
Morrison, J.